

APPROVED

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Thursday, June 19, 1986 Rockville, Md.

The County Council for Montgomery County, Maryland, convened in the Council Hearing Room, Stella B. Werner Council Office Building, Rockville, Maryland, at 2:15 P.M., on Thursday, June 19, 1986.

PRESENT

William E. Hanna, Jr., President	Neal Potter, Vice President
Scott Fosler, President Pro Tem	Esther P. Gelman
Rose Crenca	David L. Scull

ABSENT

Michael L. Gudis

The President in the Chair.

SUBJECT: Executive Regulation No. 145-85. Personnel Regulations

ISSUES DISCUSSED: The memorandum to the Council from Council Staff Director Spengler, dated June 13, 1986, setting forth the issues for discussion and attaching the regulations; Section 7-4, Position Classification, and the procedures for appeal under the existing and proposed regulations; the position of the Montgomery County Government Employees' Organization (MCGEO) that it is important to retain the employees' right of appeal in all classification actions, not just on downgradings; the suggestion of Councilmember Potter that some criteria be established to prevent every classification case from being appealed and his suggestion that a small charge to the employee might prevent frivolous appeals; the recommendation of Mr. Spengler and MCGEO that the Chief Administrative Officer (CAO) make the final decision on classification issues, rather than the Personnel Director as proposed, so that the decision is not purely internal to the Personnel Office; the statement of Mr. Brewster, Chief, Classification Division, that he will provide the Council with precise statistics on the number of classification appeals and the County's rate of success; the suggestion of MCGEO representatives that a compromise be adopted to permit employees whose positions are downgraded or recommended for no change to appeal classification decisions, but not permit employees whose positions have been upgraded to appeal for a further upgrading; the observation of Mr. Spengler that the Council may not amend the Personnel Regulations, and his suggestion that the

Council could delete certain language in the hope that it will force the County Executive to make certain amendments.

ACTION: Agreed to delete the following language from lines 5 and 6, page 43 of the Regulations: [whose position is downgraded as a result of a reclassification or reallocation]

by motion of Councilmember Gelman:

YEAS: Gelman, Potter, Fosler

NAYS: Hanna

ABSTAIN: Crenca

ABSENT: Scull (temporarily); Gudis.

SUBJECT: Notice of Public Hearings on Supplemental and Emergency Appropriations

ACTION: Adopted the following resolutions:

Resolution No. 10-2012, setting a public hearing for 1:30 P.M. on Tuesday, June 24, 1986, on a proposed emergency appropriation to the FY86 Operating Budget of Montgomery County Public Schools, in the amount of \$4,000 for a revision to Montgomery County Public Schools Instructional Guide for Physical Education;

Resolution No. 10-2013, setting a public hearing for 1:30 P.M. on Tuesday, June 24, 1986, on a proposed emergency appropriation to the FY86 Operating Budget of Montgomery County Public Schools, in the amount of \$4,586 for Vocational Education Programs;

Resolution No. 10-2014, setting a public hearing for 1:30 P.M. on Tuesday, June 24, 1986, on a proposed emergency appropriation to the FY86 Operating Budget of Montgomery County Public Schools, in the amount of \$43,106 for Job Training Partnership Grant to provide a summer vocational orientation program for economically disadvantaged youth;

Resolution No. 10-2015, setting a public hearing for 1:30 P.M. on Tuesday, June 24, 1986, on a proposed emergency appropriation to the FY86 Operating Budget to Montgomery County Public Schools, in the amount of \$2,300 for "Cross-Age Science Teaching" (CAST) Program;

Resolution No. 10-2016, setting a public hearing for 1:30 P.M. on Tuesday, June 24, 1986, on a proposed emergency appropriation to the FY86 Operating Budget to Montgomery County Public Schools, in the amount of \$30,407 for Vocational Exploration Program for Special Education students;

Resolution No. 10-2017, setting a public hearing for 1:30 P.M. on Tuesday, June 24, 1986, on a proposed emergency appropriation to the

FY86 Operating Budget to Montgomery County Public Schools, in the amount of \$2,092 for Audiovisual Series to supplement Senior High Composition Program;

Resolution No. 10-2018, setting a public hearing for 1:30 P.M. on Tuesday, June 24, 1986, on a proposed emergency appropriation to the FY86 Operating Budget to Montgomery County Public Schools, in the amount of \$4,561 for Project High Hopes;

Resolution No. 10-2019, setting a public hearing for 1:30 P.M. on Tuesday, June 24, 1986, on a proposed emergency appropriation to the FY86 Operating Budget to Montgomery County Public Schools, in the amount of \$2,940 for Integrated Reading and Writing Project in Area I;

Resolution No. 10-2020, setting a public hearing for 1:30 P.M. on Tuesday, June 24, 1986, on a proposed emergency appropriation to the FY86 Operating Budget to Montgomery County Public Schools, in the amount of \$43,159 for Follow-Up Study of children who received Chapter I Services;

Resolution No. 10-2021, setting a public hearing for 1:30 P.M. on Tuesday, June 24, 1986, on a proposed emergency appropriation to the FY86 Operating Budget to Montgomery County Public Schools, in the amount of \$11,000 for Computer Support System for Community Use of Schools;

by motion of Councilmember Potter, without objection,
Councilmember Scull temporarily absent.

Resolution No. 10-2022, setting a public hearing for 10:00 A.M. on Monday, July 7, 1986, on an emergency appropriation to the FY87 Capital Budget and an amendment to the FY87-92 Capital Improvements Program of the Department of Transportation for eleven road and bridge projects for which 100% appropriation of the construction costs is needed in order to allow them to be counted in determining adequacy of roads in the administration of the Adequate Public Facilities Ordinance

by motion of Councilmember Potter, without objection,
Councilmember Scull temporarily absent.

SUBJECT: Executive Regulation No. 145-85. Personnel Regulations

ISSUES DISCUSSED: Elimination of the retroactivity provision and the immediate pay increases associated with reclassifications; the position of Mr. Brewster that six months is an adequate amount of time for his office to complete individual position reclassifications, but that large classes, such as Community Health Nurse, cannot be done in that amount of time; the explanation of Mr. Sherman, Assistant County Attorney, that the reason for the

effective date of six months after the filing of requests for reclassifications is that, if 30 requests are filed during the June/December filing period, the Classification Division must choose which to do first, and it would not be fair to employees whose requests are addressed first to have immediate pay increases, while those employees whose requests are addressed later in the six month period must wait.

The Vice President in the Chair.

ACTION: Agreed with the suggestion of Vice President Potter that the Regulations should be amended to provide that pay increases as a result of reclassifications shall be effective as of the date the review is due, Councilmembers Hanna, Crenca and Scull temporarily absent.

SUBJECT: Bill No. 19-86. Collective Bargaining for County Employees

ISSUES DISCUSSED: The memorandum to the Council from Mr. Spengler, dated June 17, 1986, setting forth a final issue for discussion on Bill No. 19-86 prior to completion of the final draft of the bill, i.e., whether retiree benefits, such as medical and dental benefits or cost-sharing, should be bargainable for active employees, and his recommendation that they not be because, if reduced by a bargaining agreement, it would be impossible for the Council to veto the changes; Councilmember Gelman's motion that the following language be added to the bill as proposed by Mr. Spengler: "With respect to pension and retirement benefits, pension benefits only shall be negotiable, for active employees only, one year after the effective date of this statute."; Vice President Potter's request that the motion be divided to permit the Council to vote separately on the question of bargaining for active employees only, and on the question of whether non-pension benefits can be negotiated;

ACTION: Agreed that pension and retirements benefits would be bargainable for active employees only

by motion of Councilmember Gelman, without objection,
Councilmember Hanna temporarily absent.

Agreed that the bill be amended to provide that "other retirement benefits" would also be bargainable

by motion of Councilmember Gelman, without objection,
Councilmember Hanna temporarily absent.

Agreed that the bill be amended to provide that the date for the start of negotiations for the first year the law is in effect only would be December 1, rather than November 1

by motion of Councilmember Gelman, without objection,
Councilmember Hanna temporarily absent.

SUBJECT: Executive Regulation No. 145-85. Personnel Regulations

ISSUES DISCUSSED: The lack of flexibility in Section 29-5 for the Merit System Protection Board (MSPB) to decide whether an appeal should be dismissed; the ability of the MSPB to adopt its own rules of procedure; the retention of records of commendations, reprimands and disciplinary actions for five years rather than two; the objection of MCGEO representatives to keeping records of disciplinary actions for five years; the opinion of Councilmember Scull that the Personnel Regulations should be renumbered to conform to the numbering system of the Code of Montgomery County Regulations.

ACTION: Agreed to delete Section 29-5, Dismissal of an Appeal

by motion of Councilmember Scull, without objection,
Councilmembers Fosler and Hanna temporarily absent.

Directed staff to draft a bill to clarify that the Merit System Protection Board adopts its own rules of procedure which would be codified as part of the Code of Montgomery County Regulations


by motion of Councilmember Scull, without objection,
Councilmembers Hanna, Gelman, Fosler and Crenca temporarily absent.

SUBJECT: Executive Session

The County Council convened in executive session on a matter of potential litigation.

The meeting adjourned at 5:47 P.M.

This is an accurate account of the meeting:


Kathleen A. Freedman, Secretary
County Council